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Company

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

BYBEE FARMS LLC, a Washington  
limited liability company; DUANE  
MUNN & SONS FARMS LLC, a  
Washington limited liability company;  
and NEAL BYBEE, a Washington  
resident,

Plaintiffs,

v.

SNAKE RIVER SUGAR COMPANY,  
an Oregon Agricultural Cooperative

Defendant.

SNAKE RIVER SUGAR COMPANY,  
an Oregon agricultural cooperative,

Counterclaimant,

Civil No. CV-06-5007-FVS

Judge Van Sickle

**ORDER GRANTING JOINT  
MOTION TO SET ASIDE AND  
VACATE THE JURY  
VERDICT AND JUDGMENT  
AND CLOSING FILE**

ORDER GRANTING JOINT MOTION TO SET ASIDE AND VACATE THE  
JURY VERDICT AND JUDGMENT - 1

1 v.

2 BYBEE FARMS LLC, a Washington  
3 limited liability company; DUANE  
4 MUNN & SONS FARMS LLC, a  
Washington limited liability company,  
and NEAL BYBEE, a Washington  
resident,

5  
6 Counterdefendants.

7 THIS MATTER came before the Court on the parties' Stipulation and Joint  
8 Motion to Set Aside and Vacate the Jury Verdict and Judgment. The Court, having  
9 considered the stipulation and joint motion and the consequences and attendant  
10 hardships of dismissal or refusal to dismiss, the right to relitigation of unreviewed  
11 disputes, and the value of finality of judgment, HEREBY FINDS that vacatur of  
12 the verdict and the April 7, 2009 judgment is proper.  
13  
14

15 NOW, THEREFORE, being fully advised, the Court hereby ORDERS:  
16

- 17 (1) The Parties' Stipulation and Joint Motion to Set Aside and Vacate the  
18 Jury Verdict and Judgment (**Ct. Rec. 550**) is **GRANTED**;  
19  
20 (2) The March 30 2009 **Verdict (Ct. Rec. 490)** and April 7, 2009  
21 Judgment (**Ct. Rec. 507**) are hereby **SET ASIDE and VACATED** as  
22 to all parties;  
23  
24 (3) All other pending motions are denied as **MOOT**;

25  
26  
ORDER GRANTING JOINT MOTION TO SET ASIDE AND VACATE THE  
JURY VERDICT AND JUDGMENT - 2

1 (4) The Clerk is directed to remove the Verdict and Judgment from the  
2 Docket and the ECF record and **CLOSE THIS FILE**

3  
4 SO ORDERED this \_\_31st\_\_ day of \_\_March\_\_, 2010.

5  
6 *s/ Fred Van Sickle*  
7 HONORABLE FRED VAN SICKLE  
8 United States District Judge

9 Presented by:

10 STOEL RIVES, LLP

11  
12 */s/ J. Walter Sinclair*  
13 J. Walter Sinclair, WSB Bar No. 32644  
Gloria S. Hong, WSB No. 36723

14 Attorneys for Defendants

15 Approved as to form, copy received,  
16 and Notice of Presentation waived by:

17  
18 */s/ Thomas A. Banducci*  
19 Thomas A. Banducci  
Wade Woodard

20 Attorneys for Plaintiffs  
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ORDER GRANTING JOINT MOTION TO SET ASIDE AND VACATE THE  
JURY VERDICT AND JUDGMENT - 3